

The Role of Citizen Emotions in Constitutional Backsliding – Mapping Out Frontiers of New Research

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Liberal, constitutional democracy is decaying in Eastern Europe. Important liberal institutions and norms face threats even in stronger and more stable democracies in Western Europe, and perhaps especially in the United States. While the potential ramifications of this liberal decay are as clear as they are frightening, its causes remain subject to debate. In this post, we posit that the assault on key liberal institutions by populist movements has been as successful as it has because those groups have been able to harness – and fuel – the anger and anxieties of citizens. This seems rather obvious: *clearly* resentment and grievance play an important role in contemporary populist politics. Even so, we think that students of liberal constitutionalism have not yet sufficiently appreciated the myriad ways in which angry and anxious politics erode constitutional norms and institutions.

From Emotions to Populist Constitutionalism

Although the role of emotion in politics has traditionally been undertheorized as compared to reason and the rational side of human beings, there is no doubt that emotion has become equally, or indeed, more important in contemporary politics. Emotions are not only a driving force behind the political struggle, they are also a prize to be won. Crucially, emotions play a performative and constitutive function. They not only express but help bring subjects into being and constitute identities. And one particularly potent combination of emotions has become salient in recent times – resentment. Populist leaders have tapped into a reservoir of anxiety about “the other”, anger at the liberal establishment and the imposition of one correct world view, fear of exclusion, and uncertainty of one’s place in the contemporary world. In short, resentment is driving many contemporary political developments.

To be sure, emotions are a legitimate part of the democratic process and anger and fear are not to be removed from the realm of political discourse as any such attempt would be counterfactual and counterproductive. When, however, populist politicians tap into resentment and create political movements that have distinct implications for the existing institutional order, they take emotion to another level. Resentment is no longer a *feeling* but is *utterance* and *performance*, and it is transformed into the “the politics of resentment”. Resentment is anchored within mainstream politics and is articulated in the public sphere. The politics of resentment transform our traditional understanding of political conflict. While politicians and political parties in democracies routinely put forward competing visions for society and politics, they always stick to the language of probability in setting out their alternatives to the existing government. They are prepared to test their alternatives through procedures

and elections and accept that the constitution is the stage that frames political contestation. As liberal democrats, they share a commitment to the core values of freedom and equality and the formal acknowledgement that their political adversaries have as valid a claim to represent the people as they do. By contrast, resentment-driven populist politicians see their claims as settling most fundamental issues once and for all, and they do not allow room for dissent. Because of the moral dimension of resentment, they do not acknowledge that their claims can be judged as true or false. Rather, their claims are always the best, and not open to further contestation. The emotions of fear, anger, and rejection, all under the umbrella of resentment, do not allow for pluralism and the multiplicity of representation and undermine the normative and institutional framework through which populist leaders initially express and advance these sentiments. “The other” is no longer seen as a legitimate adversary. He becomes an enemy and, as a delegitimized political actor, is hounded and persecuted with the full force of the law.

With extreme majoritarianism as one of the cornerstones of the new doctrine, disabling constitutional courts and judicial review is the first order of the day for constitutional capture. All institutions, domestic and supranational, stand in the way and are not part of the new populist constitutionalism. This is no longer gentle constitutional tinkering; rather, it is an all-out constitutional reconstruction. Gaining power does not soften populist *animus*. Quite the contrary, once elected, populist leaders are ready to deliver on their promises and they do so through a constitutional doctrine that competes with the dominant liberal constitutionalism.

This populist constitutional doctrine includes the following, often interrelated, elements: (i) a new understanding of the role of the constitution as no longer protecting citizens against the state, but instead as safeguarding the uniqueness of the state; (ii) the constitution ceases to be the supreme law of the land; (iii) the constitutional court is not only incapacitated but also “weaponized” to be used as a tool against political enemies; (iv) the political dominates the legal; (v) the rule of law is seen as an obstacle to protecting the populist majority; (vi) the rule of law is to facilitate the expression of the will of the people; (vii) political power is no longer subject to checks and balances; (viii) supranational institutions are dismissed as enemies of the people; (ix) collectivity is trumpeted above individual citizens; (x) human rights evolve from the dignitary conception to that of community.

We make our argument by briefly reviewing leading works in political and social psychology that promise to shed light on how emotional politics heighten and sustain the threat of populist constitutionalism.

The Politics of Fear

Fear, or anxiety, is an emotion that has received considerable attention from scholars because it seems to powerfully shape important political opinions and behaviors. First, anxiety influences the ways in which people process information. Political scientist Ted Brader (2005) shows that fear-based appeals in political campaign rhetoric and advertisements are uniquely persuasive. That is, regular people are more likely to find political information persuasive if that information

scares them. Additionally, people who are anxious are also more likely to seek out, read, remember, and agree with information that they find threatening or scary (Albertson and Gadarian 2014; 2015). Furthermore, a recent study by Kevin Arceneaux (2017) shows that anxiety reduces empathy felt toward members of out-groups, *but not in-group members*. In other words, anxiety can make people less concerned about harms suffered by people outside their own identity groups. To take one example, people who are exposed to a campaign message that stokes fear of immigrants by highlighting crimes committed by immigrants are more supportive of spending on border security and of further restrictions on immigration than are those who receive a message that lacks the threatening undertones (Albertson and Gadarian 2012). Finally, but very importantly, perceptions of threat can increase a willingness to trade civil rights for personal security (Davis and Silver 2004). While this study concerns *physical* threat (posed by terrorism) it seems likely that individuals might be similarly willing to trade some aspects of liberal democracy for increased economic (or even demographic) security.

For these reasons, political messages from populist politicians that scare citizens may be especially effective at creating political space to attack existing political institutions. Moreover, if the appeal of populism and ethno-nationalism is founded in anxiety about changing economy and changing demographics, then the entrenchment of populist constitutionalism may be self-reinforcing. That is, the appeal of contemporary populist movements is thought to be rooted in citizens' concerns about their own place in a changing global political-economic system. Populist groups have succeeded politically when they have been able to blame outsiders – immigrants, globalists, liberals – for the plight of the nation. Recent work in social and political psychology, briefly highlighted above, suggests that fear may make citizens more susceptible to further threatening information – whether or not that information is true. This fear can also increase citizens' willingness to support policies that may harm political outsiders, such as immigrants.

The Politics of Anger

Like fear, anger can shape politics in important ways. For example, anger can activate negative and prejudicial attitudes toward out-groups (Banks 2014; Banks 2016), and can even cause voters to be willing to vote to harm others (Lee and Murphy 2017). For example, changes in the distribution of resources between groups causes anger among the group that perceives itself as “losing ground,” toward the group that has violated the perceived structure of group entitlements. As a result, members of the in-group become more willing to take part in violence against the out-group, presumably in an effort to right the balance of intergroup resources that has been upset (Claassen 2016). Not only this, but anger also powerfully reduces people's trust in government (Webster 2018). Anger also increases partisan loyalty – even when people don't like their own party's nominee or candidate (Abramowitz and Webster 2016; 2017).

In summary, anger can lay important groundwork for constitutional decay in at least two important ways. First, anger can increase negative feelings toward members of out-groups (such as immigrants), as well as people's willingness to support policies

that will harm members of out-groups. In extreme cases, anger can even lead people to support violence against members of out-groups who are perceived to be unfairly advantaged by changes in the political structure. Second, anger reduces trust in government, but at the same time increases partisan loyalty. This means that anger may reduce support for existing governmental structures – perhaps because they are thought to have created the situation which causes political anger. This problem is exacerbated by the increase in partisan loyalty that anger causes: a political group might be able to assault core political institutions (which are now trusted less), and may be able to do so without being punished precisely because anger heightens partisan loyalty.

The Politics of Disgust

Disgust is increasingly viewed as an important source of political attitudes. Psychologists have long noted that people often respond to members of out-groups with disgust; these reactions are very similar to responses to rotten food or open wounds (Rozin, Haidt, and McCauley 2009). One important way that disgust influences politics again has to do with opinions about immigrants and immigration. Political psychologists Lene Aaroe, Michael Bang Petersen, and Kevin Arceneaux (2017) argue that disgust powerfully influences attitudes toward immigrants. Humans have evolved to subconsciously identify unknown strangers as potential carriers of infection, and as such people who have sensitive “behavioral immune systems” are significantly more likely to oppose immigration. Additionally, Shana Gadarian and Eric van der Vort (2018) find that disgust reduces public support for rights of members of out-groups perceived as disgusting. As with fear and anger, disgust can significantly influence people’s political opinions and support for various policies. If a person feels disgust-based aversion to immigrants, then they may be more likely to support anti-immigration policies, and less likely to favor rights for immigrants. The same is true for people who might feel disgust toward racial, ethnic, religious, or any other type of minority group.

The Role of Emotions in Democratic Backsliding

As the studies reviewed here show, individuals’ emotions may play an important and enduring role in politics. In the present moment, these emotions may well be enabling the ongoing deconstruction of crucially important democratic institutions in Eastern Europe, as well as the larger decay of liberal norms throughout the Western world. If populist groups are able to court citizens’ fear and anger about changing economic and demographic conditions, they may be able to get away with policies that they would not under more normal conditions – including the ongoing frontal assaults on previously-cherished constitutional institutions. Taken together, these studies point to a wide variety of pathways by which the negative emotions that populism thrives on – fear, anger, and disgust – can pave the way for the destruction of liberal constitutionalism.

Resentment: From *Agonistic* to *Antagonistic* Politics

Resentment – indignation deriving from the perception of having been treated unfairly – is both cause and effect of the role of emotion in politics, and it is perhaps a key source of democratic backsliding throughout the West. Resentment is fuelled by anger and anxiety, and in turn fuels them, though of course there is no single factor that explains the full dynamics of resentment in contemporary politics (Capriles, 2012; G. Maranon, 1956; Ferro, 2010). In healthier political climes, those who feel some measure of anger must still accept the fundamental tenets of the political order – though as we have seen in the discussion above, at present, anger may undercut this commitment to democratic values.

Contesting political outcomes by rejecting the legitimacy of liberal democracy must, therefore, be distinguished from democratic dissent. The former category of dissent, that which strikes at the very basis of commitments and values of liberalism, we characterize as “resentful dissent”. The resentful dissent wants to use the democratic process to bring down the democratic process. Democratic dissent aims at betterment of the system through contestation: “You are free to vent your frustrations, but within the parameters of the democratic system”.

The fact that emotions *can* undermine some aspects of liberal democracy certainly does not cancel out the democratic right to air them (and emotions can have important pro-social and pro-democratic effects on politics as well; Albertson and Gadarian 2015). It would be indeed undemocratic (and impossible) to attempt to ban them from the discourse as this would only bolster resentment and fortify the feeling of exclusion (“they do not want to listen”), hopelessness (“democracy is stacked against me”), and bad blood (“democracy should be replaced with some other and ‘better’ regime”). Once people turn their emotions into resentment and act on it, however, they move from agonistic to antagonistic politics. The citizens agree to accept and respect the anger of others if the others pledge to stay within the rules of the game. The agonistic approach understands the democratic effects of angry performances and asks important questions: do the performances help the causes of justice? Will they enhance solidarity? Will they help participation in politics? These questions assume, however, that emotions of dissatisfaction are channeled as part of the system, rather than used to destroy it by capturing the hated and discredited state and its institutions. The drive to destroy the system means that these emotions have been channeled into the politics of resentment. State capture is then next in line to deliver on the vision and promise of the antagonistic politics. State capture is achieved through mobilization, and channeling, of these negative emotions – the politics of resentment – and consolidated through populist constitutionalism.

Way forward

The American jurist Learned Hand famously argued that “Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it”. The ongoing decay of liberal constitutionalism in Eastern Europe shows that Hand was right: the institutions

of liberal democracy were insufficient to protect themselves once a critical mass of the people were willing to dispense with them and a strong-willed leader understood the importance of translating the diffused emotions into political movements. It may be that the only way to stop this backsliding is to persuade the people that liberal constitutionalism is a project worth saving – but to do that, we must address the resentment, the fear, anger, and disgust, that citizens are feeling about our changing world. This is no easy task, to be sure, but it may be critical to the survival of liberal democracy.

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